

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

10 PAUL SHOEMAKER,

11 Plaintiff,

12 vs.

13 NANCY A. BERRYHILL,
14 Acting Commissioner of Social Security,

15 Defendant.

Civil No. 3:17-CV-05556-BAT

ORDER

16 Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision
17 in regard to Plaintiff's application for disability insurance benefits under Title II of the Social
18 Security Act be REVERSED and REMANDED to the Commissioner of Social Security for
19 further administrative proceedings including a new hearing and a new decision. The
20 Administrative Law Judge will evaluate, discuss and assign appropriate weight to the opinion of
21 Shaila Kode, M.D.; and reconsider the medical evidence, Plaintiff's impairments at step two,
22 Plaintiff's symptom allegations, the lay witness statements, the residual functional capacity, and
23 steps four and five, as necessary.

24 This Court hereby reverses the Commissioner's decision under sentence four of 42
U.S.C. §405(g) with a remand of the cause to the Commissioner for further proceedings. *See*
Melkonyan v. Sullivan, 501 U.S. 89 (1991).

1 DATED this 17th day of January 2018.

2
3 

4 BRIAN A. TSUCHIDA
United States Magistrate Judge

5 Presented by:

6 s/ Nancy A. Mishalanie

7 NANCY A. MISHALANIE

8 Special Assistant U.S. Attorney

9 Office of the General Counsel

10 Social Security Administration

11 701 Fifth Avenue, Suite 2900 M/S 221A

12 Seattle, WA 98104-7075

13 Telephone: (206) 615-3619

14 Fax: (206) 615-2531

15 nancy.mishalanie@ssa.gov